

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

# ESTEBAN LUIS GUARDIOLA,

**Plaintiff,**

**VS.**

**METROPOLITAN UTILITIES DISTRICT,  
et al.,**

**Defendants.**

**8:05CV340**

## ORDER

This matter is before the court sua sponte. Fed. R. Civ. P. 4(m) establishes the following time limit for service of process on the defendants in a civil case:

(m) **Time Limit for Service.** If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

In this matter, the deadline for service of process expired and the plaintiff did not return the summons forms to the court. On November 18, 2005, this court issued an Order giving the plaintiff until December 16, 2005 to show cause why this matter should not be dismissed. (Filing No. 3). On December 16, 2005, plaintiff filed a Response to the Order to Show Cause requesting additional time in order to obtain counsel. (Filing No. 4). The court granted the plaintiff a 30-day extension to effect service of process on defendants. (Filing No. 5). This deadline has now expired and the court's records show that the plaintiff did not return the summons forms to the court. The plaintiff was warned that failure to

obtain timely service on the defendants could result in dismissal of this matter, without prejudice.

THEREFORE, IT IS ORDERED that this matter is dismissed without prejudice.

DATED this 31st day of January, 2006.

BY THE COURT:

s/ Joseph F. Bataillon  
JOSEPH F. BATAILLON  
United States District Judge